PTO/SB/21 (09-04) Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. **Application Number** 10/804,900 Filing Date TRANSMITTAL March 19, 2004 First Named Inventor **FORM** Kenneth J. Burkus Art Unit 3732 **Examiner Name** Unknown (to be used for all correspondence after initial filing) **Attorney Docket Number** MSDI-134/PC361.18 Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance Communication to TC Fee Transmittal Form Drawing(s) Appeal Communication to Board Licensing-related Papers Fee Attached of Appeals and Interferences Appeal Communication to TC Petition (Appeal Notice, Brief, Reply Brief) Amendment/Reply Petition to Convert to a Proprietary Information After Final Provisional Application Power of Attorney, Revocation Status Letter Affidavits/declaration(s) Change of Correspondence Address Other Enclosure(s) (please Identify **Terminal Disclaimer Extension of Time Request** below): Request for Refund **Express Abandonment Request** CD, Number of CD(s) Information Disclosure Statement Landscape Table on CD Certified Copy of Priority Remarks Document(s) Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name Krieg DeVault LLP Signature Printed name Douglas A. Collier Date Reg. No. 43,556 May 24, 2005 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: Signature Date May 24, 2005 Typed or printed name

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gethering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PE CEE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
) Before the Examiner
Burkus, et al.)
)
Serial No.: 10/804,900)
) Group Art Unit: 3732
Filed: March 19, 2004)
) Attorney Docket: MSDI-134/PC361.18
METHODS AND INSTRUMENTATION)
FOR VERTEBRAL INTERBODY)
FUSION)

STATUS REQUEST

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

The last communication received from the United States Patent and Trademark Office was the Filing Receipt on June 2, 2004. Please provide a status report on the above-referenced patent application.

Respectfully submitted,

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